

Office & Professional Employees International Union | Local 29

AFL-CIO & CLC

Tamara R. Rubyn, President/Business Manager | Patricia G. Sanchez, Secretary-Treasurer/Business Representative

January 8, 2015

Executive Secretary
1099 14th St. N.W.
Washington, D.C. 20570-0001

Re: Laborers 169 Reno, Nevada Case # 32-RC-137989

Dear Executive Secretary:

This letter shall serve as an official appeal to the decision rendered in the above referenced case. OPEIU 29 believes that Victoria Gonzalez should not be considered a statutory Supervisor, therefore allowing her to be included in the bargaining unit seeking representation. The decision to exclude Ms. Gonzalez appears to be based solely on her attendance and input during the interview process for new hires. While Ms. Gonzalez does participate in the interview process she only does so to see if the candidate possesses the skills required to perform the job duties associated with the position. Once Ms. Gonzalez makes her recommendation to the Business Manager/Secretary Treasurer, Richard "Skip" Daly he makes the final decision, there have been candidates whom Ms. Gonzalez recommended but were ultimately denied employment.

Ms. Gonzalez does not have the authority, nor has any other Office Manager for this Employer, to hire, fire, discipline, promote or transfer employees. Ms. Gonzalez takes direction from the Business Manager/Secretary Treasurer, Richard "Skip" Daly and reports all issues and/or concerns directly to Mr. Daly. The fact that Mr. Daly values the opinion of Ms. Gonzalez does not make her a Supervisor. The atmosphere at the Laborers 169 office is very relaxed and the staff work well and use processes developed prior to Ms. Gonzalez becoming Office Manager to run the daily operations.

Since the decision by the staff at Laborers 169 to begin the process to join the Union, Mr. Daly has violated Section 7 of The Act by retaliating against the supporters of the Union. They have been excluded from annual holiday bonuses, they have been reprimanded in front of the other staff members, and they have even been followed home after work. If Ms. Gonzalez is excluded from this bargaining unit, it is our belief that Mr. Daly will terminate her due to her concerted union activity.

We ask that you reconsider the decision in this case and determine Ms. Gonzalez be included in the unit. Ms. Gonzalez is not a statutory Supervisor; she is an Office Manager who does not fit the criteria of a supervisor in any way. We thank you in advance for considering this request and look forward to your response.

Respectfully,

Nekisha Goodwin

Nekisha Goodwin
OPEIU 29 Business Representative

NG/sp(Laborers 169/Appeal Letter)cwa:9415/afl-cio